

1 DANIEL G. BOGDEN
United States Attorney
2 NANCY J. KOPPE
Assistant United States Attorney
3 333 Las Vegas Blvd South
Suite 5000
4 Las Vegas, Nevada 89101
(702) 388-6336
5

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 -oOo-

9 UNITED STATES OF AMERICA,)
) 2:07-cr-00150-RCJ-RJJ
10 Plaintiff,)
)
11 vs.) **UNITED STATES' RESPONSE TO**
) **DEFENDANT'S MOTION**
12 MARK DAVID CHANLEY,) **FOR DISCOVERY**
)
13 Defendant.)
)
14 _____)

15 CERTIFICATION OF TIMELINESS: This response is timely filed.

16 The United States of America, by and through Daniel G. Bogden, United States
17 Attorney, and Nancy J. Koppe, Assistant United States Attorney, requests that this Court deny the
18 defendant's motion for discovery.

19 On January 12, 2010, defendant filed a motion asking this Court to order the United
20 States to produce certain discovery. Prior to filing this motion, defendant failed to contact the United
21 States to request any specific or general discovery. The defendant's discovery request thus violates
22 not only the Joint Discovery Statement, but it also runs counter to Federal Rule of Criminal Procedure
23 16 and the Local Rules of this Court.

24

25

26

Under the Local Rules of this Court, a defendant must confer with the prosecution in a good faith effort to resolve any discovery issues before filing a discovery motion with the Court. Any motion for discovery "shall contain a statement of counsel for the moving party certifying that, after personal consultation with counsel for the opposing party, counsel have been unable to resolve the dispute without court action." LCR 16-1(c). Here, defendant failed to abide by the Local Rules, and his motion should be summarily denied.

CONCLUSION

DATED this 15th day of January, 2010.

DANIEL G. BOGDEN
United States Attorney

NANCY J. KOPPE
Assistant United States Attorney

The United States provided all appropriate discovery to defendant's prior counsel, Donald J. Green. The United States was told by advisory counsel that some pages of discovery, as provided by Mr. Green, were missing. As a result, the United States has again provided appropriate discovery to advisory counsel, and has been assured that discovery will be provided to defendant.

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA,)
) 2:07-cr-00150-RCJ-RJJ
Plaintiff,)
)
vs.)
)
MARK DAVID CHANLEY,)
)
Defendant.)
_____)

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on January 15, 2010, she served a copy of the attached **UNITED STATES' RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY**, by electronic service through CM/ECF.

Addressee: Rene Valladares, Esq.

Further, on January 15, 2010, she served a copy of this motion, through United States Mail, to:
Mark David Chanley
305891
North Las Vegas Detention Center
2332 N. Las Vegas Blvd.
North Las Vegas, NV 89030

/s/ Nancy J. Koppe
NANCY J. KOPPE